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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,116	02/26/2004	Toshihiro Kobayashi	00862.023492.	1851

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EXAMINER	
LOVEL, KIMBERLY M	
ART UNIT	**PAPER NUMBER**
2167	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/786,116	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Kimberly Lovel	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/22/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 are rejected.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 24 March 2004 was filed after the mailing date of the application on 2/26/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig 11: items 1103, 1107 and 1110; and Fig 21, item 2102. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 recites a control program for making a computer execute an information processing method of claim 1.

A control program is considered to represent software per se. Software per se fails to produce a tangible result. In order for the subject matter to be considered statutory, it must produce a useful, concrete and tangible result.

To allow for compact prosecution, the examiner will apply prior art to these claims as best understood, with the assumption that the applicant will amend to overcome the stated 101 rejections.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 1 and 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,062,532 to Sweat et al (hereafter Sweat et al) in view of US Patent No. 5,933,825 to McClaughry et al (hereafter McClaughry et al).

Referring to claim 1, Sweat et al disclose an information processing method [method for a project hosting service that a user can communicate and collaborate with members of a design team] for setting an exclusive control right of a data item by a specific process in a system [a user can download files to work on them, while locking the file to prevent others from overwriting the file] in which a plurality of processes that can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a first designation step [locking a file] of designating a desired data item [a selected file] for which the exclusive control right [locking a file by Administrators or

Editors – since locking a file prevents other project members from editing the file, a lock is considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitations of a retrieval step of retrieving a data item which belongs to a lower layer with respect to the data item designated in the first designation step on the basis of hierarchical structure information of the plurality of data items and a setting step of setting the exclusive control right by the specific process to the designated data item and the data item retrieved in the retrieval step. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitations of:

a retrieval step of retrieving a data item [folders B and C and files D, E, F and G] which belongs to a lower layer with respect to the data item [folder A] designated in the first designation step on the basis of hierarchical structure information of the plurality of data items (see column 8, lines 45-48 – the children of folder A are retrieved) and

a setting step of setting the exclusive control right by the specific process to the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and the data item retrieved in the retrieval step (see column 8, lines 59-60 – an RC lock is acquired for the children of folder A) in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize McClaughry et al's method of retrieving children in a hierarchy of objects and applying the same control rights as the parent as a subcomponent to Sweat et al's method for determining an object in which a control right is to be set. One would have been motivated to do so in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

Referring to claim 3, the combination of Sweat et al and McClaughry et al (hereafter Sweat/McClaughry) discloses the method according to claim 1, wherein the setting step includes a step of setting, when an exclusive control right by another process is not set for the designated data item and all data items retrieved in the retrieval step, the exclusive control right by the specific process (McClaughry et al: see column 5, lines 36-58 – determining if the lock is available and if so, acquiring the lock).

Referring to claim 4, Sweat/McClaughry discloses the method according to claim 1, wherein the setting step includes a step of setting an exclusive control right for data items, for which no exclusive control right is set by another process, of the designated data item and data items retrieved in the retrieval step (McClaughry et al: see column 5, lines 36-58 – determining if the lock is available and if so, acquiring the lock).

Referring to claim 5, Sweat/McClaughry discloses the method according to claim 1, further comprising:

a second designation step of designating a desired data item [folder A], an exclusive control right of which is to be released (McClaughry et al: see column 9, lines 16-21 – the move operation designates the desire to obtain a second Write Children (WK) lock on folder A); and

a first release step of releasing the exclusive control right by the specific process of the designated data item and data items which are related to the data item designated in the second designation step and are retrieved in the retrieval step (McClaughry et al: see column 9, lines 7-15 – a Write Children (WK) lock is acquired on folder A; after acquiring the WK lock, a Read Contents (RC) lock is obtained on item C; next the WK lock is released)).

Referring to claim 6, Sweat/McClaughry discloses the method according to claim 5, wherein the first release step includes a step of releasing the exclusive control right by the specific process of data items, for which no exclusive control right by another process is set, of the data items retrieved in the retrieval step (McClaughry et al: see column 5, lines 36-58 – determining if the lock is available and if so, acquiring the lock).

Referring to claim 7, Sweat/McClaughry discloses the method according to claim 1, wherein the setting step has a first setting mode [setting a read contents (RC) lock] for setting the exclusive control right by the specific process when no exclusive control right is set for the designated data item and all data items retrieved in the retrieval step (McClaughry et al: see column 5, lines 35-44), and a second setting mode [setting Hierarchy Read Contents (HRC) lock] for setting the exclusive control right by

the specific process for data items for which no exclusive control right is set, of the designated data item and data items retrieved in the retrieval step (McClaughry et al: see column 5, line 58 – column 6, line 14), and an exclusive control right setting process is executed in a designated one of the first (McClaughry et al: see column 5, lines 41-44) and second setting modes (McClaughry et al: see column 6, lines 2-4).

Referring to claim 8, Sweat/McClaughry discloses the method according to claim 7, wherein a user can designate a desired one of the first and second setting modes (McClaughry et al: see column 8, lines 59-60 – since the user is copying folder A, it is considered that the user is selecting to use a RC lock).

Referring to claim 9, Sweat/McClaughry discloses the method according to claim 7, wherein information indicating which of the first and second setting modes is to be applied is assigned to each of the plurality of data items (McClaughry et al: see column 8, lines 59-60 – the lock is acquired for folder A and the children of folder A).

Referring to claim 10, Sweat/McClaughry discloses the method according to claim 1, wherein an upper limit value of exclusive control rights to be set is set for each of the plurality of data items, and the setting step includes a step of setting the exclusive control rights within the upper limit value (Sweat et al: see column 9, lines 19-34 – limiting the number of saved versions when determining the rights of a user).

Referring to claim 11, Sweat et al disclose an information processing apparatus [method for a project hosting service that a user can communicate and collaborate with members of a design team] for setting an exclusive control right of a data item by a specific process in a system [a user can download files to work on them, while locking

the file to prevent others from overwriting the file] in which a plurality of processes that can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a holding unit [ProjectPoint contains projects] for holding hierarchical structure information of the plurality of data items (see column 3, line 57 – column 4, line 26);

a first designation step [locking a file] of designating a desired data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitation of a setting unit for setting the exclusive control right by the specific process to the designated data item and a data item which is related to the designated data item on the basis of the hierarchical structure information and belongs to a layer lower than the data item designated by the first designation unit. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitation of a setting unit for setting the exclusive control right by the specific process to the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and a data item which is related to the designated data item (see column 8, lines 59-60 – an RC lock is acquired for the children of folder A) on the basis of the hierarchical structure information and belongs to a layer lower than the data

item designated by the first designation unit (see column 8, lines 45-48 – the children of folder A are retrieved) in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize McClaughry et al's method of retrieving children in a hierarchy of objects and applying the same control rights as the parent as a subcomponent to Sweat et al's method for determining an object in which a control right is to be set. One would have been motivated to do so in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

Referring to claim 12, Sweat/McClaughry discloses a control program [software] for making a computer execute an information processing method of claim 1 (Sweat et al: see column 3, lines 36-39).

Referring to claim 13, Sweat/McClaughry discloses a storage medium storing a control program for making a computer execute an information processing method of claim 1 (Sweat et al: see column 3, lines 27-35).

Referring to claim 14, Sweat et al disclose an information processing method [method for a project hosting service that a user can communicate and collaborate with members of a design team] for setting an exclusive control right of a data item by a specific process in a system [a user can download files to work on them, while locking the file to prevent others from overwriting the file] in which a plurality of processes that

can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a designation step [locking a file] of designating a desired data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitations of a setting step of setting the exclusive control right by the specific process to the designated data item and a data item which belongs to a layer lower than the data item designated in the designation step on the basis of hierarchical structure information of the plurality of data items. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitations of:

a setting step of setting the exclusive control right by the specific process to the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and a data item (see column 8, lines 59-60 – an RC lock is acquired for the children of folder A) which belongs to a layer lower than the data item designated in the designation step on the basis of hierarchical structure information of the plurality of data items (see column 8, lines 45-48 – the children of folder A are retrieved) in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize McClaughry et al's method of applying the control rights to an item and then applying the same control rights to the children of the item as a subcomponent to Sweat et al's method for determining an object in which a control right is to be set. One would have been motivated to do so in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,062,532 to Sweat et al in view of US Patent No. 5,933,825 to McClaughry et al as applied to claim 1 above, and further in view of US Patent No. 6,215,495 to Grantham et al (hereafter Grantham et al).

Referring to claim 2, Sweat/McClaughry discloses assigning control rights to data items in a hierarchy, however, Sweat/McClaughry fails to explicitly disclose the further limitation wherein the data is a scene graph database which is referred to upon generation of computer graphics of a virtual space. Grantham et al also disclose assigning control rights to data items in a hierarchy (see abstract and column 7, lines 49-54), including the further limitation wherein the data is a scene graph database which is referred to upon generation of computer graphics of a virtual space (see column 4, lines 17-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Grantham et al's scene graph database as the data

described by Sweat/McClaughry. One would have been motivated to do so in order to provide since the method of Sweat/McClaughry can apply to any database (Sweat et al: see column 3, lines 52-55).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent No. 5,729,734 to Parker et al titled "File Privilege Administration Apparatus and Methods"

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimberly Lovel
Examiner
Art Unit 2167

15 August 2006
kml

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21 August 2006